

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 38 -2024

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
CLARK COUNTY ZONING MAP ON RECOMMENDATION BY THE
CLARK COUNTY PLAN COMMISSION**

WHEREAS, the Board of Commissioners of Clark County, Indiana (the “Board”), is the executive body of Clark County Government pursuant to the provisions of Ind. Code § 36-2-2-2; and,

WHEREAS, the Board is also the legislative body of Clark County Government pursuant to the provisions of Ind. Code 36-1-2-9; and,

WHEREAS, the Clark County Plan Commission has advisory authority regarding zoning pursuant to Ind. Code 36-7-4, *et al*; and,

WHEREAS, on the 11th day of December, 2024, the Clark County Plan Commission passed Resolution 2024-22 (see the said Resolution 2024-22 attached hereto as **Exhibit “A”**) to reclassify certain property on the County’s zoning maps as identified in the said Resolution.

NOW, THEREFORE, BE IT ORDAINED by the Board of Clark County Commissioners as follows:

1. That the Clark County Plan Commission Resolution 2024-22 dated December 11th, 2024, as attached hereto as **Exhibit “A”**, is hereby approved, and the County’s zoning maps are reclassified pursuant to the attached Resolution and subject to the attached signed and recorded written Voluntary Zoning Commitment.

2. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 19th day of December, 2024.

Members voting "NO":

Bryan Glover, Commissioner

Connie Sellers, Commissioner

Jack Coffman, Commissioner

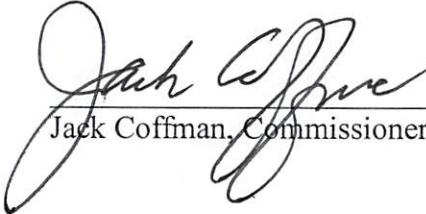
Members voting "YES":



Bryan Glover, Commissioner

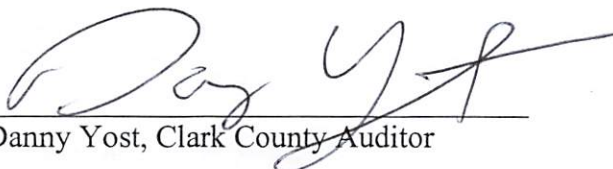
Absent

Connie Sellers, Commissioner



Jack Coffman, Commissioner

Attested by:



Danny Yost, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 2024-22

WHEREAS, the Clark County Plan Commission met on December 11, 2024, and heard the Docket No. 2024-26-PC, Sonnys Farm LLC, 8308 CR 111, Memphis, IN a request for a zone map amendment from AG to M2 for part of Parcel No. 10-02-01-400-005.000-026;

WHEREAS, the Plan Commission heard the presentation of the Petitioner(s) and the objections, comments, remonstrations, and other relevant information presented by those in attendance at the hearing, if any:

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission as follows, after giving reasonable regard to the factors set forth in I.C. 36-7-4-603:

1. The Petition to rezone the real estate described in Exhibit A was heard after notice to interested persons was properly given in accordance with the ordinance and Indiana Law;
2. The Plan Commission heard and received the relevant evidence presented and deliberated on such evidence in a public meeting; and
3. The Plan Commission recommends to the Board of Commissioners of Clark County with a 6 - 0 vote as follows:

FAVORABLE RECOMMENDATION: The rezoning of the real estate described in Exhibit A should be changed.

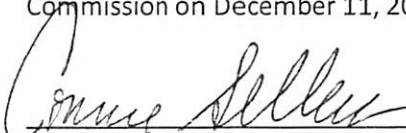
UNFAVORABLE RECOMMENDATION: The rezoning of the real estate described in Exhibit A should NOT be changed.

NO RECOMMENDATION: The Plan Commission sends the rezoning petition to the Clark County Commissioners WITHOUT A RECOMMENDATION.

CONDITIONS: The Plan Commission sends the rezoning petition to the Clark County Commissioners WITH CONDITIONS TO INCLUDE:

Recording a written commitment limiting the use of the property to vehicle impound without outdoor storage of personal items and to install an eight (8) foot tall chain-link fence with opaque fabric around impound area which is adequate to prevent view of vehicles from adjoining property at all times.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on December 11, 2024.



Connie Sellers, President



Eric M. Wise Executive Director



VOLUNTARY ZONING COMMITMENT

This Voluntary Zoning Commitment (hereinafter referred to as the “Commitment”) is given by and shall be binding on **SONNY’S FARM, LLC** (the “Owner”), an Indiana limited liability company with an address of 8306 County Road 111, Memphis, Indiana 47143, in favor of **CLARK COUNTY, INDIANA**, and the **CLARK COUNTY PLAN COMMISSION** (collectively, the “County”), an Indiana municipal government unit with an address of 300 Corporate Drive Rm 208, Jeffersonville IN 47130.

RECITALS:

WHEREAS, the Owner is the record owner real property located at the commonly known address of 8308 County Road 111, Memphis, Clark County, Indiana 47143 [Parcel No. 10-02-01-400-005.000-026], the legal description of which is attached hereto as Exhibit “A” (the “Property”); and,

WHEREAS, the Owner filed an Application for Zoning Map Amendment with the Clark County Plan Commission (the “Plan Commission”) seeking to change the zoning designation of the a portion of the Property (Exhibit B) from General Agricultural (AG) to Heavy Industrial District (M2) in accordance with the provisions of Indiana Code § 36-7-4-608; and,

WHEREAS, on December 11, 2024, following due notice and public hearing on the application, a majority of the entire membership of the Plan Commission voted to forward the Owner’s application to the Board of Commissioners of Clark County (the “Board”) with a favorable recommendation, subject only to the Owner’s tender of the voluntary commitment made in this instrument; and,

WHEREAS, as an inducement for the approval of the Owner's requested rezoning by this Board, the Owner now tenders this voluntary commitment in accordance with the provisions of Indiana Code § 36-7-4-1015(a)(1).

NOW, THEREFORE, the Owner, as an inducement for the Board's consideration and approval of the zone map change of the Property from General Agricultural (AG) to Heavy Industrial District (M2), and in accordance with the provisions of Indiana Code § 36-7-4-1015(a)(1), the Owner hereby imposes and consents to the following commitment for the Use and/or development of the Property:

1. The use of the property shall be strictly limited to vehicle impound purposes only. No outdoor storage of personal items shall be permitted on the premises. The property shall not be used for any purpose other than the impoundment of vehicles.
2. The impound area shall be fully enclosed by an 8-foot chain-link fence, supplemented with an opaque screen fabric designed to adequately prevent the visibility of vehicles stored within the impound area from adjoining properties. The fence and screening fabric shall be always maintained in good condition to ensure compliance with this requirement.

This Commitment shall be binding on the Owner and any subsequent owner(s) of the Property, and/or any other persons acquiring an interest therein. This Commitment may be modified or terminated only by official action of the Plan Commission made after a public hearing with notice provided pursuant to applicable law and the adopted rules of the Plan Commission.

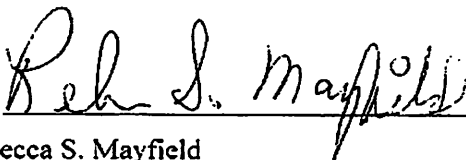
This Commitment shall be effective upon the final grant of the Owner's requested zone map change by ordinance adopted by the Board in accordance with the provisions of Indiana Code § 36-7-4-608.

This Commitment may be enforced jointly or severally by the Plan Commission or the Board. An action to enforce this Commitment may be brought in the Circuit or Superior Courts of Clark County, Indiana. A party bringing an action to enforce this Commitment may request mandatory or prohibitory injunctive relief through the granting of a temporary restraining order, preliminary injunction, or permanent injunction. If an action to enforce this Commitment is successful, the substantially prevailing party shall be entitled to recover its costs, including their reasonable attorney's fees. A change of venue from Clark County shall not be granted in such action, although any party to the action may seek and obtain a change of venue from the judge.

The Owner shall execute and record this Commitment in the office of the Clark County Recorder prior to the Board's final adoption of the ordinance approving the Owner's requested zone map change. In the event the rezoning request is denied, this *Voluntary Zoning Commitment* shall become null and void.

IN WITNESS WHEREOF, the Owner, by the undersigned as its duly authorized representative, has executed this Commitment, this 16 day of December 2024.

Sonny's Farm LLC,
An Indiana limited liability company

By: 
Rebecca S. Mayfield

STATE OF INDIANA, COUNTY OF CLARK

SS:

Before me, the undersigned, a notary public, for and in said county and state, personally appeared Rebecca S. Mayfield, as the duly authorized member of Sonny's Farm LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing *Voluntary Zoning Commitment* on behalf of such company as its free and voluntary act and deed on this 16 day of December 2024. WITNESS my hand and notarial seal.



Tracy C Johnson
Notary Public, Resident of Clark County, IN

Tracy C Johnson
Printed Name

Commission Number: 658391

My Commission Expires: 10.15.2030

DECLARATION

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Michael A. Wilder
Michael A. Wilder, Attorney at Law
411 Watt Street
Jeffersonville, IN 47130
(812) 288-4442

Prepared By:
Michael A. Wilder, Attorney at Law
Gillenwater Wilder Law Office
Ind. Sup. Ct. No. 37404-10
411 Watt Street
Jeffersonville, IN 47130
(812) 288-4442

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer
SEP 16, 2024 EM
Danny Groat
Auditor of Clark County

202418988 PRD \$25.00
9/16/2024 2:58:31 PM 4 PGS
Steve Gil
Clark County Recorder IN
Recorded as Presented



Parcel Number
10-02-01-400-005.000-026 and 10-02-02-300-011.000-026
Alt Parcel Number
02-00009-033-0 and 02-00016-003-0
Property Address
8306 Highway 111, Memphis, In 47143
Tax Mailing Address:
8306 Highway 111, Memphis, In 47143

PERSONAL REPRESENTATIVE'S DEED

This INDENTURE WITNESSTH that **Raymond Graf, Personal Representative of the Estate of Marcella Graf, deceased**, which estate is pending in the Clark Circuit Court under Case No. 10C01-2303-ES-000015, an un-remarried widow of Theodore Leroy Graf, on behalf of said decedent, does hereby CONVEY unto **Sonny's Farm LLC**, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, all of the right, title and interest in and unto the following described real estate in Clark County, Indiana described as follows:

The Southeast quarter of the Southeast quarter of Section Fourteen (14) in Township one (1) South, of Range Six (6) East, containing 40 acres.
ALSO, the north-Fifteen (15) acres off the Northeast quarter of the Northeast quarter of Section Twenty-three (23) in Township One (1) South, of Range Six (6) East.
ALSO, the North Fifteen (15) acres off the Northwest quarter of the Northeast quarter of Section Twenty-three (23) in Township One (1) South of Range Six (6) East.

EXCEPTING THEREFROM:

- a) 2.5 acres conveyed by Casper Graf to William E. Ball and wife, by deed recorded in Deed Record 130, page 88;
- b) one acre conveyed by Casper Graf to Robert M. Popp and wife, by deed recorded in Deed Record 136, page 94;
- c) 2.0 acres conveyed by Casper Graf to Carr School Township, by deed recorded in Deed Record 134, page 184;
- d) 1.6 acre conveyed by Josephine Graf to Juanita C. Popp and husband, by deed recorded in Deed Record 214, page 232.
- e) 3.0 acres conveyed to Carr Township, by deed recorded in Deed Record 270, page 194;



D. Miller
CLARK CO. IN ASSESSOR
KR

- f) 1.32 acres conveyed to George D. Mayfield and Rebecca S. Mayfield, husband and wife, by deed recorded in Deed Drawer 19, as Instrument No. 4208;
 - g) 1.32 acres conveyed to Donna K. Graf and Bryan S. Jackson by deed recorded in Deed Drawer 19, as Instrument No. 4209; and,
 - h) 2.03 acres conveyed to George D. Mayfield and Rebecca S. Mayfield, husband and wife, by deed recorded as Instrument No. 2013-21557;
- all in Recorder's Office. Clark County, Indiana.

ALSO EXCEPTING THEREFROM:

Being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 1 South, Range 6 East, Carr Township, Clark County, Indiana and also part of the tract of land conveyed to Theo L & Marcella Graf in D.D. 219, Pg. 301 in the Clark County Recorder's Office, this description is certified by Nathan R. Grimes, PS #LS21000194 on 11-13-2023 (no revisions) as Renaissance Design Build, Inc., Project No. 2023-396 (all references to monuments and courses herein are as shown on said plat of survey); more particularly described as follows:

Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section 14, Township 1 South, Range 6 East;

thence with the Northern line of said Quarter Quarter and also the Southerly line of a tract of land conveyed to Mary Linda Popp (Life Estate) in Inst. No. 202115651 in said Recorder's Office, North 89 degree 50 minute 00 second East, a distance of 742.65 feet to the Westerly line of a tract of land conveyed to Civil Carr Township recorded in D.D. 19, Pg. 15699 in said Recorder's Office:

thence leaving said Quarter Quarter line and also with the Westerly line of said Civil Carr Township tract, South 00 degree 09 minute 00 second East, a distance of 613.28 feet;

thence leaving said Civil Carr Township tract, South 89 degree 52 minute 14 second West, a distance of 65.70 feet to the Easterly line of a tract of land conveyed to Donna Graf & Bryan Jackson in D.D. 19, Pg. 4209 in said Recorder's office: thence with the Easterly line of said Graf/Jackson tract, North 00 degree 09 minute 00 second West, a distance of 208.71 feet to the Northeast corner of said Graf/Jackson tract:

thence with the Northerly line of said Graf/Jackson tract, South 89 degree 52 minute 14 second West, a distance of 275.00 feet to the Northwest corner of said Graf/Jackson Tract;

thence with the Westerly line of said Graf/Jackson tract, South 00 degree 09 minute 00 second East, a distance of 208.71 feet to the Northern line of a tract of land conveyed to George & Rebecca Mayfield in Inst. No. 201321557 in said Recorder's Office:

thence with the said Mayfield tract, South 89 degree 55 minute 12 second West, a distance of 398.89 feet, more or less, to the Western line of said Quarter Quarter and also the Easterly line of a tract of land conveyed to Mary Linda Popp (Life Estate) in Inst. No. 202115653 in said Recorder's Office;

thence with said Quarter Quarter line and also the Easterly line of said Popp tract, North 00 degree 26 minute 08 second West, a distance of 612.46 feet to The True Point of

Beginning containing 9.11 acres of land more or less. Being subject to any and all easements & rights-of-ways whether of record or not.

ALSO the right to use an 60.00 foot easement for the purpose of ingress and egress to the lot herein described. said easement being described as follows:

Commencing at the Southwest corner of Section 14 at a P.K. nail;

Thence North 00 degree 09 minute 00 second West, a distance of 491.68 feet to a point;

Thence South 89 degree 52 minute 14 second West, a distance of 40.7 feet to a stone on the West line of Grant Line Road. The True Place of Beginning of the easement herein described:

Thence following the West line of said road bearing South 00 degree 09 minute 00 second East, a distance of 60.00 feet to a point;

Thence leaving said West line bearing South 89 degree 52 minute 14 second West, a distance of 906.63 feet to a point;

Thence North 00 degree 09 minute 00 second West, a distance of 60.00 feet to Iron Pin at the Southwest corner of a tract of land conveyed to George D. Mayfield and Rebecca S. Mayfield in D.D. 19, Pg. 4208 in said Recorder's Office:

Thence North 89 degree 52 minute 14 second East, a distance of 275.00 feet to the Southeast corner of said Mayfield tract:

Thence North 00 degree 09 minute 00 second West, a distance of 208.71 feet to an Iron Pin at the Northwest corner of said Mayfield tract;

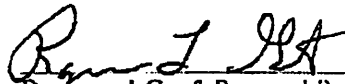
Thence North 89 degree 52 minute 14 second East, a distance of 60 feet to a point;

Thence South 00 degree 09 minute 00 second East, a distance of 208.71 feet to an Iron Pin;

Thence North 89 degree 52 minute 14 second East, a distance of 571.63 feet to The Place of Beginning containing 1.54 acres of land more or less.

Being subject to any and all easements, rights-of-ways, and restrictions whether of record or not affecting this real estate.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed on this 12 day of September, 2024.




Raymond Graf, Personal Representative
Estate of Marcella Graf

STATE OF INDIANA, COUNTY OF CLARK

SS:

Before me, a notary public, for and in said county and state, personally appeared Raymond Graf, Grantor herein, and acknowledged the execution of the foregoing instrument as his free and

voluntary act on this 12 day of September, 2024. WITNESS my hand and notarial seal.



Notary Public, ^{Comm. in} Resident of Clark County, IN

Abigail Farzen Riley

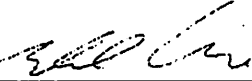
Printed Name

Commission Number: NPC0714936

My Commission Expires: July 19, 2026

Preparer's Affirmation

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.



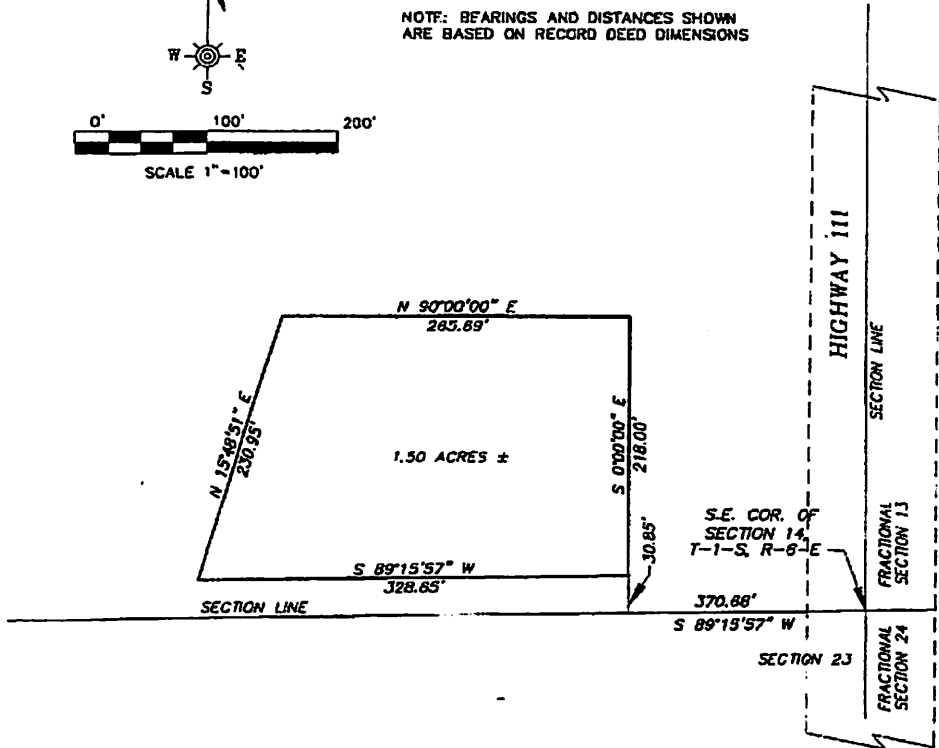
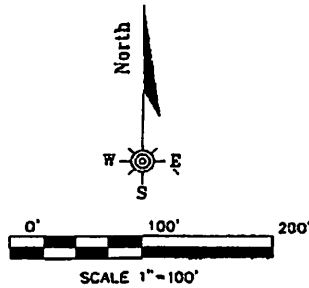
Michael A. Wilder, Attorney at Law
411 Watt Street
Jeffersonville, IN 47130
(812) 288-4442

Prepared by:
Michael A. Wilder
Ind. Sup. Ct. #37404-10
411 Watt Street
Jeffersonville, IN 47130
(812) 288-4442

SKETCH

This drawing has been prepared for purposes of a land description. No boundary survey was done. NO CORNER MARKERS WERE SET.

NOTE: BEARINGS AND DISTANCES SHOWN ARE BASED ON RECORD DEED DIMENSIONS



LAND DESCRIPTION -- 1.50 ACRES ±

A part of Section 14, Township 1 South, Range 6 East, Carr Township, Clark County, Indiana, prepared by Christopher Howell, PS# 20600006, of Blankenbeker and Associates, Job #24-25061, dated November 12, 2024, described as follows:

Commencing at the southeast corner of said Section 14; thence S 89°15'57" W 370.68 feet along the section line; thence N 0°00'00" E 30.85 feet to the point of beginning;

- thence S 89°15'57" W 328.65 feet;
- thence N 15°48'51" E 230.95 feet;
- thence S 90°00'00" E 285.69 feet;
- thence S 0°00'00" W 218.00 feet to the point of beginning.

Containing 1.50 acres, more or less, and subject to all easements, restrictions, and rights-of-way of record.

Being a portion of that property conveyed to Sanny's Farm, LLC in Instrument 202418986 as recorded in the Office of the Recorder of Clark County, Indiana.

Drawing of part of Section 14, Township 1 South, Range 6 East, Carr Township, Clark County, Indiana being situated on Highway 111, Memphis.

This drawing does not represent a retracement, original, route survey or surveyor's location report.

BLANKENBEKER & ASSOCIATES
 ~ SURVEYING AND ENGINEERING ~
 618 E. COURT AVENUE, JEFFERSONVILLE, INDIANA
 TELEPHONE (812) 282-4183

FOR: REBECCA MAYFIELD
 8410 HIGHWAY 111
 MEMPHIS, IN 47143.

DRAWN BY: CSC SCALE: 1" = 100 FEET DATE: 12 NOVEMBER 2024 JOB No. 24-25061

EXHIBIT
 B